

3-10-04 DRAGA RCE  
1631

PTO/SB/30 (08-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>Application Number</b>	09/909,567
<b>Filing Date</b>	July 20, 2001
<b>First Named Inventor</b>	Macina
<b>Art Unit</b>	1631
<b>Examiner Name</b>	Smith, Carolyn L.
<b>Attorney Docket Number</b>	DEX-0214

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply      iii.  Information Disclosure Statement (IDS)  
ii.  Affidavit(s)/Declaration(s)      iv.  Other \_\_\_\_\_

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1619

i.  RCE fee required under 37 CFR 1.17(e) \$ 385 . 00  
ii.  Extension of time fee (37 CFR 1.136 and 1.17)  
iii.  Other \_\_\_\_\_

b.  Check in the amount of \$ \_\_\_\_\_ enclosed  
c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)	Kathleen A. Tyrrell	Registration No. (Attorney / Agent)	38,350
Signature		Date	March 9, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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Signature		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **DEX-0214**

Inventors: **Macina et al.**

Serial No.: **09/909,567**

Filing Date: **July 20, 2001**

Examiner: **Smith, Carolyn L.**

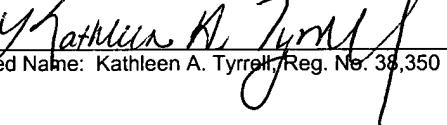
Group Art Unit: **1631**

Title: **Compositions and Methods Relating to Lung Specific Genes**

"Express Mail" Label No. **EV361212333US**

Date of Deposit **March 9, 2004**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents Post Office Box 1450, Box RCE, Alexandria, VA 22313-1450

By   
Typed Name: **Kathleen A. Tyrrell, Reg. No. 38,350**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**AMENDMENT WITH REQUEST FOR CONTINUED EXAMINATION**

This amendment is responsive to issues raised in the Final Rejection mailed December 9, 2003 setting a three (3) month statutory period for response. A Request for Continued Examination and the requisite fee are provided herewith. Please enter the following remarks and amendments into the record.

## AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Macina et al.

Docket No.

DEX-0214

Serial No.  
09/909,567Filing Date  
July 20, 2001Examiner  
Smith, Carolyn L.Group Art Unit  
1631

Invention: Compositions and Methods Relating to Lung Specific Genes

MAR 9 2004

PATENT &amp; TRADEMARK OFFICE

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	2 -	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable)		<input type="checkbox"/>			\$0.00
					\$0.00
					\$0.00

No additional fee is required for amendment.

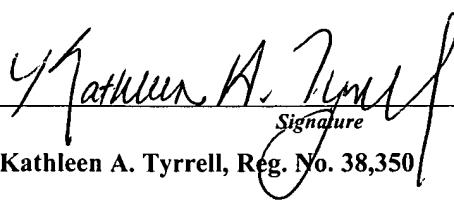
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A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-1619

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.



Kathleen A. Tyrrell  
Signature  
Kathleen A. Tyrrell, Reg. No. 38,350

Dated: March 9, 2004

Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, New Jersey 08053  
Tel : 856-810-1515  
Fax: 856-810-1454

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Typed or Printed Name of Person Mailing Correspondence

CC:

Attorney Docket No.: **DEX-0214**  
Inventors: **Macina et al.**  
Serial No.: **09/909,567**  
Filing Date: **July 20, 2001**  
Page 2

**Amendments to the claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks** begin on page 4.